

Court of Appeals, State of Michigan

ORDER

Vonzella Young v Spectrum Health

Docket No. 259644

LC No. 02-009613-NH

David H. Sawyer
Presiding Judge

Kirsten Frank Kelly

Alton T. Davis
Judges

The Court orders that the motion for reconsideration is DENIED. MCL 600.2912b(4)(e) requires the notice of intent to state "the manner in which it is alleged the breach of the standard of practice or care was the proximate cause of the injury claimed in the notice." Plaintiff's notice alleges that the injury would not have occurred if the enumerated breaches had not taken place. However, this is not a statement of the manner in which the breaches caused the injury. Rather, this is merely a statement that the breaches caused the injury. The fact of causation is not the manner of causation. Nothing in plaintiff's motion convinces us that the notice of intent explained how the breaches caused the injury. Therefore, plaintiff's motion fails to demonstrate that this Court erred.

Judge Kelly would deny the motion for reconsideration without the added commentary.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 26 2006

Date

Sandra Schultz Mengel
Chief Clerk